

DRAFT-INTERNAL-DELIBERATIVE-DO NOT RELEASE

Treated Seed Petition Briefing

Office of Pesticide Programs
U.S. Environmental Protection Agency
December 13, 2021

Picture: <https://www.harrisseed.com/blogs/from-the-ground-up/guide-to-seed-treatments>

Overview of Presentation

- Treated Article Exemption
- Petition Background and Related Actions
- Assessments Conducted by HED and EFED
- Options for Petition Response
- Recommendation
- ANPRM
- Next Steps

Treated Article Exemption 40 CFR 152.25(a)

“Treated articles or substances.

An article or substance treated with, or containing, a pesticide to protect the article or substance itself (for example, paint treated with a pesticide to protect the paint coating, wood products treated to protect the wood against insect or fungus infestation) if the pesticide is registered for such use.”

Talking Points:

The treated article exemption was initially published in 1988.

Petition Background and Related Actions

- April 2017 – EPA received a petition filed by the Center for Food Safety (CFS) with and on behalf of beekeeper, farmer, and public interest groups.
- September 2020 – A similar treated seed petition from NRDC under review at California DPR
 - October 2020 – Initial response stated that seeds treated with systemic pesticides are still considered exempt from registration
 - Currently taking public comments to inform future direction
- New York is developing legislation for neonics and treated seeds
- FOIA request and new related litigation

Deliberative Process / Ex. 5

Assessments: HED

Assessments would not be changed if treated seeds are registered.

Seed Treatment		
		What is assessed?
		Food Use Non Food Use
Dietary (Food and Drinking Water)		Dietary exposure from seed treatment Set tolerance Commercial Seed Treatment: Treater, Bagger, Sewer, Multiple activities On-Farm Seed Treatment: Treater Loader/Planter of Treated Seed HED ExpoSAC Policies 14 (unit exposures) and Policy 15.2 (amt seed treated/planted per day)
Occupational	Handler (Food Use and Non Food Use)	
	Post-App	NA

Deliberative Process / Ex. 5

Assessments: EFED

Assessments would not be changed if treated seeds are registered.

	Seed Treatment	
	What is assessed?	
	Aquatic	Terrestrial
Ecological Exposure	Invertebrates	Pollinators
	Fish	Mammals
	Plants	Birds
Environmental Loading	Runoff into surface waters	
	Abrasion of seed coating recognized as potential exposure route but not assessed	
Drinking Water Exposure	Drinking water assessed in support of human health dietary assessment, but not assessed for ecological risk	

Deliberative Process / Ex. 5

Once seeds are treated, they are exempt from FIFRA requirements

Implications of
Treated Seed
Exemption

- Information on labeling
- Use and usage of treated seeds
- Disposal
- Enforcement

Deliberative Process / Ex. 5

Options for
Petition
Response

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

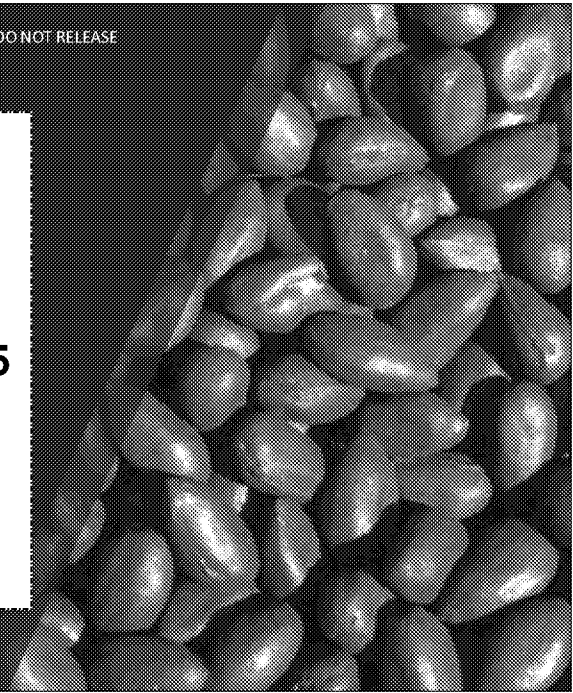
Possible **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Other Considerations to

Deliberative Process / Ex. 5



Deliberative Process / Ex. 5

Next Steps

Deliberative Process / Ex. 5

Talking Points:

Deliberative Process / Ex. 5

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Questions?

Appendix A: Regulatory History of Treated Articles

- 1988 – “Treated Article Exemption” – Section 152.25(a) is published and defines qualifying articles as:
 - the incorporated pesticide is registered for use in or on the article or substance, and;
 - the sole purpose of the treatment is to protect the article or substance itself.
- 2000 – PRN 2000-1: Applicability of the Treated Articles Exemption to Antimicrobial Pesticides
- 2000 – *“Harmonization of Treated Seed Policies and Requirements in Canada and the United States”*
 - Clarifies that the exemption to treated seeds only: “for the protection of the [seed] itself means that the pesticidal protection imparted to the treated seed does not extend beyond the seed itself.”

Talking Points:

Deliberative Process / Ex. 5

Appendix B. Existing Label Example

ACCEPTED			
09/20/2019			
<small>Under the Federal Insecticide, Fungicide, and Rodenticide Act as amended, for the pesticide registered under</small>			
<small>EPA Reg. No. 42750-353</small>			

Thiophanate-methyl	GROUP	1	FUNGICIDE
Metaxyl	GROUP	1	FUNGICIDE
Fludioxonil	GROUP	12	FUNGICIDE
Imidacloprid	GROUP	1A	INSECTICIDE

ST PRE-MIX #11

For use as a seed treatment to protect seed and seedlings of listed legume vegetables (including soybeans) against listed insect and disease pests

ACTIVE INGREDIENTS:	
Imidacloprid	20.17%
Metaxyl	5.05%
Thiophanate Methyl	3.28%
Fludioxonil	0.81%
OTHER INGREDIENTS:	70.69%
TOTAL:	100.00%

Contains: 1.60 pounds active ingredient of imidacloprid, 0.48 pounds metaxyl, 0.31 pounds thiophanate methyl, and 0.58 pounds fludioxonil per gallon.